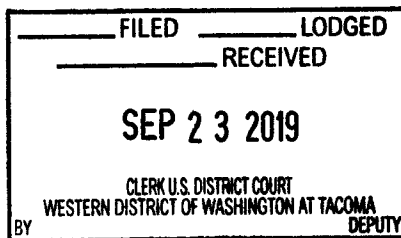


Thomas Richey
Washington Corrections Center
PO Box 900
Shelton WA 98584



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THOMAS W S RICHEY,
Plaintiff,

V.

D. DAHNE,
Defendant

NO. C12-5060 BHS

PLAINTIFF'S MOTION TO
POSTPONE EVIDENTIARY
HEARING.

Plaintiff, Thomas W.S. Richey, *pro-se*, hereby submits this motion requesting a 60-day postponement of the evidentiary hearing in this case due to extinguating circumstances beyond his control.

1. REASONS FOR POSTPONEMENT

Richey has been in the hole since 22 July 2019, and he is currently in transit awaiting transfer from the

the Department of Corrections (DOC) transit unit in Shelton at the Washington Corrections Center (WCC). He has had no access to his personal or legal property, minimal access to a law library, and can therefore not adequately prepare to defend his position at the evidentiary hearing this Court has scheduled for 17 October 2019.

In all fairness, Richey should be given an opportunity to reasonably prepare and present his position without bias or an unfair advantage gained by the Defendant. This case has been going on for over seven years because of the Defendant's unwillingness to resolve the matter; postponing the evidentiary hearing by two months will not disadvantage Defendant, and it will allow Richey the time to arrive at a facility where he will have access to his property so he may properly prepare for the evidentiary hearing. An alternative option would be for this Court to appoint Richey counsel, *sua sponte*, to represent him at the evidentiary hearing.

Moreover, postponing the evidentiary hearing by 60 days will also provide Defendant time to produce documents, such as the Behavioral Logbook for November 2011 at the Stafford Creek Corrections Center (SCCC) Intensive Management Unit (IMU), which the Defendant has not complied with producing despite the elapse of over 30

days.

2. CONCLUSION

For the foregoing reasons, this Court should grant this motion because it is the fair and just decision to make.

Dated this 19th day of September 2019.

S: *Ch Ws Richey*

TOM W S RICHEY